

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

F.A.O.No.3725 OF 2006 (O&M)
DATE OF DECISION : 14.9.2006

New India Assurance Co.Ltd.

....Appellant

Versus

Sukhvir Singh & others

...Respondents

CORAM : HON'BLE MR.JUSTICE UMA NATH SINGH
HON'BLE MR.JUSTICE MAHESH GROVER

....

Present : Mr.Vinod Gupta, Advocate
for the appellant.

...
UMA NATH SINGH, J.(Oral)

This F.A.O. arises out of an award dated 9.6.2006 passed by the learned Presiding Officer, Motor Accident Claims Tribunal, Ropar in MACT Case No.78 of 30.9.2004, awarding a sum of Rs.6,10,000/- in death case of a Gram Sewaka (Bimla Saini), said to be aged 50 years

Learned counsel submitted that the Insurance Company has been granted permission under Section 170 of the Motor Vehicles Act to contest the case on merits and, therefore, he urged that the offending vehicle being the bus was not involved in the accident. According to learned counsel, the name of the driver and description of the vehicle were not mentioned in the F.I.R. However, it appears that two independent witnesses, namely, Balkar Singh PW4 and Baljinder Singh PW2 have categorically deposed that the offending

vehicle alone was involved in the accident. Moreover, it is a case of accident and not of homicide incident, therefore, the description of the vehicle and the name of the driver, though came to notice at later stage, can still be placed reliance on. As regards the quantum of compensation, the deceased was an earning hand, employed as Gram Sewaka, drawing a salary of Rs.7,902/- per month. She was survived by the claimant husband and two unmarried daughters and a son. Therefore, the deduction of 1/3rd has been correctly done and the multiplier of 10 also appears to be just and expedient in the attending circumstances.

Accordingly, we are not inclined to interfere with the impugned award and the appeal is dismissed in limine.

(UMA NATH SINGH)
JUDGE

14.9.2006

(MAHESH GROVER)
JUDGE

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